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(DeAnn F. Smith, Esq.)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Wilhelm Amberg, *et al.*

Group Art Unit: 1639

Application No.: 09/757,142

Examiner: Celsa, Bennen M.

Filed: January 9, 2001

For: Antineoplastic Peptides

Attorney Docket No.: BBI-6026CPCN

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TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. §1.321(c)

Dear Sir:

I, DeAnn F. Smith, Esq., Registration No. 36,683, as attorney of record in the above-identified patent application, hereby declare that Abbott GmbH & Co. KG, Max-Planck-Ring 2, Wiesbaden, Germany 65205 is the owner of the above-identified patent application, by virtue of the assignment executed by Dr. Reihold Köster and Mr. Jens Jürgen Heumann, authorized signatories of BASF Aktiengesellschaft, on May 22, 2003 and recorded in the United States Patent and Trademark Office on June 10, 2003, at Reel 013718, Frame 0861. I further declare that BASF Aktiengesellschaft, 67056 Ludwigshafen, Rheinland-Pfalz, Germany formerly retained ownership of the above-identified patent application, by virtue of the assignment executed by Wilhelm Amberg on December 18, 1998, Teresa Barlozzari on November 10, 1998, Harald Bernard on

U.S.S.N.: 09/618,694

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December 18, 1998, Ernst Buschmann on December 18, 1998, Hans-Guenther Hege on December 18, 1998, Bernd Janssen on November 11, 1998, Andreas Kling on December 18, 1998, Helmut Lietz on December 18, 1998, Kurt Ritter on November 12, 1998, Martina Ullrich on December 18, 1998, Jurgen Weymann on December 18, 1998, and Thomas Zierke on December 18, 1998, recorded in the United States Patent Office on December 28, 1998 at Reel 9664, Frame 0700.

I further declare that Abbott GmbH & Co. KG, Max-Planck-Ring 2, Wiesbaden, Germany 65205 is also the owner of U.S. Patent 5,965,700, by virtue of the assignment executed by Dr. Reihold Köster and Mr. Jens Jürgen Heumann, authorized signatories of BASF Aktiengesellschaft, on May 22, 2003 and recorded in the United States Patent and Trademark Office on June 10, 2003, at Reel 013718, Frame 0861. I further declare that BASF Aktiengesellschaft formerly retained ownership of U.S. Patent 5,965,700, by virtue of the assignment executed by Wilhelm Amberg on July 29, 1996, Harald Bernard on July 29, 1996, Ernst Buschmann on July 29, 1996, Andreas Haupt on July 29, 1996, Bernd Janssen on July 29, 1996, Karl Ulrich on July 29, 1996, Andreas Kling on July 29, 1996, Stefan Mueller on July 29, 1996, Kurt Ritter on July 29, 1996, and Thomas Zierke on July 29, 1996, recorded in the United States Patent Office on January 13, 1998 at Reel 9009, Frame 0035.

Therefore, Assignee BASF Aktiengesellschaft hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent 5,965,700, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 5,965,700, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Assignee BASF Aktiengesellschaft does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 5,965,700, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable;

U.S.S.N.: 09/618,694

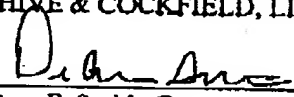
Group Art Unit: 1614

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is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer; except for the separation of legal title stated above.

Signed at Boston, Massachusetts this 1st day of December, 2003.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP.


DeAnn F. Smith, Esq.
Registration No. 36,683
Attorney for Applicants

PTO/SB/97 (12-97)

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Supplemental Communication (2 pages);
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Copy of Terminal Disclaimer (U.S. Patent No. 5,831,002) (3 pages)
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